

**FEDERAL COMMUNICATIONS COMMISSION**  
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**WASHINGTON DC 20554**

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**AUDIO DIVISION**  
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June 10, 2008

Karen A. Ross, Esq.  
Davis Wright Tremaine LLP  
1919 Pennsylvania Avenue NW, Suite 200  
Washington, DC 20006-3402

Re: Educational Media Foundation  
KYLUFM, Tehachapi, California  
Facility Identification Number: 122216  
Special Temporary Authority

Dear Counsel:

This is in reference to the request filed June 3, 2008, on behalf of Educational Media Foundation ("EMF"). EMF requests special temporary authority ("STA") to operate Station KYLU with emergency antenna facilities pursuant to Section 73.1680.<sup>1</sup> In support of the request, EMF states that its antenna has been damaged by inclement weather, and requests STA for continued operation using the operable portions of the antenna.

Section 73.1680 of the Commission's rules provides for operation with emergency antenna facilities following damage to authorized antenna systems, provided that an informal request for continued use of an emergency antenna is filed with the Commission within 24 hours. In particular, Section 73.1680(b)(2) provides that FM and TV stations may erect any suitable radiator, or use operable sections of the authorized antenna(s) as an emergency antenna.

Accordingly, the request for STA IS HEREBY GRANTED. Station KYLU may continue to operate with emergency antenna facilities as described above. It will be necessary to reduce power or cease operation if complaints of interference are received. EMF must notify the Commission when licensed operation is restored. EMF must use whatever means are necessary to protect workers and the public from exposure to radio frequency radiation in excess of the Commission's exposure guidelines. See 47 CFR § 1.1310.

This authority expires on **September 10, 2008**.

**STA Advisory:** Section 309(f) of the Communications Act of 1934, as amended, authorizes the Commission to grant STA in cases of "extraordinary circumstances requiring temporary

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<sup>1</sup> KYLU is licensed for operation on Channel 204B1 (88.7 MHz) with effective radiated power ("ERP") of 0.14 kilowatt (Max-DA, H&V) and antenna height above average terrain of 1126 meters. Construction Permit BPED-20061106AAJ authorizes an upgrade to Class B, an increase in ERP to 0.39 kW, and changes to the directional pattern.

authorizations in the public interest and when delay in the institution of the temporary operations would seriously prejudice the public interest." However, Section 309(f) is not a means by which a licensee/permittee may circumvent established processing procedures which require the filing of an application, nor is it a means by which a broadcaster may enhance his facility or make operation more convenient for the broadcaster. Stations operating with less than licensed facilities under temporary authorities can be viewed as receiving the benefit of a larger protection area than that in which they are currently providing service.

Accordingly, Special Temporary Authorities by nature are to be temporary and are not intended for extended use. Licensees of stations operating under temporary authorities are reminded that timely restoration of permanent facilities is the responsibility of the licensee and should be undertaken expeditiously. Any request for extension of special temporary authorities carries an increased burden with each subsequent request.

Therefore, requests for extension of STA will be granted only where the licensee can show that one or more of the following criteria have been met:

- Restoration of licensed facilities is complete and testing is underway;
- Substantial progress has been made during the most recent STA period toward restoration of licensed operation; or
- No progress has been made during the most recent STA period for reasons clearly beyond the licensee's control, and the licensee has taken all possible steps to expeditiously resolve the problem.

Sincerely,

A handwritten signature in black ink, appearing to read "Charles N. Miller", with a long horizontal flourish extending to the right.

Charles N. Miller, Engineer  
Audio Division  
Media Bureau

cc: Educational Media Foundation